IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.1541 OF 2007

M/s. Hindustan Coca-Cola Beverages Pvt. Ltd. ..Petitioner.
Vs.
The State of Maharashtra & Anr. ..Respondents.

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Ms. A.P. Madhuri i/b M/s. D.H. Law Associates for the Petitioner.
Mr. S.K. Nair, Panel Counsel for the State.

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CORAM: **SWATANTER KUMAR, C.J. &**
DR. D.Y. CHANDRACHUD, J.

6th August, 2007.

P.C. :

1. Counsel appearing for the State accepts notice and waives service.

2. We have heard the learned counsel appearing for the parties. There is no dispute about the fact that the vehicle which has been impounded by the State is eight years and a week old and cannot be permitted to ply in the Municipal limits of Mumbai.

3. Counsel appearing for the Petitioner submits that it is eight years and eight days old only and the Petitioner is in fact in

the process of taking out the said vehicle outside the City of Mumbai.

4. Be that as it may, the Writ Petition is disposed of with the direction that the vehicle shall be released to the Petitioner, subject to the condition that the Petitioner pays an amount of Rs.10,000/- as penalty and also files an undertaking in this Court as well as with the competent authority in the State administration that the vehicle shall be taken out of Mumbai within one week from the date of its release and will not be plying on the roads of Mumbai. Subject to the satisfaction of these conditions, the Writ Petition is disposed of leaving the parties to bear their own costs.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.